



**CARDD**  
**MEPA ROUTING MEMO**

To: Mark Bostrom  
Through: Autumn Coleman  
From: Demi Blythe/Lindsay Volpe

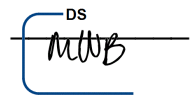
Re: LCCD Beaver Creek Restoration Adoption Notice  
Project Sponsor: Lewis and Clark County Conservation District  
Name of Project: Beaver Creek Restoration Project – Phase 2  
Agreement No: RRG-22-XXXX

**Memo:**

DNRC can issue an Amended Adoption Notice for the US Forest Service's (USFS) EA and FONSI for the Beaver Creek Restoration Project (attached). We added the 'Human Environment' portion of MEPA to the USFS EA Adoption and scoped the project for 14 days on the DNRC Public Notice Webpage. No public comments were submitted.

**SIGNATURE REQUIRED**

\_\_\_\_/s/DEB\_\_\_\_ MEPA/NEPA Coordinator Review

A blue ink signature, possibly reading "MWB", is written over a blue line. Above the line is a small "DS" stamp.

Bureau Chief Review

Division Administrator Signature

\_\_\_\_ Post for 30 Days on DNRC's Environmental Docs page.

\_\_\_\_ File

**DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION****Conservation and Resource Development Division**

STEVE BULLOCK, GOVERNOR

1539 ELEVENTH AVENUE

**STATE OF MONTANA**DIRECTOR'S OFFICE (406) 444-2074  
FAX: (406) 444-2684PO BOX 201601  
HELENA, MONTANA 59620-1601**DECISION NOTICE  
ADOPTION OF EXISTING ENVIRONMENTAL REVIEW**Beaver Creek Restoration Project - Phase 2  
July 2021

Lewis and Clark County Conservation District

Beaver Creek Project is located approximately 14 miles northeast of Helena, MT; Latitude:  
46.797, Longitude: -111.877  
Lewis and Clark County

Existing Environmental Review Document: USFS FONSI Attached Below

**Type and Purpose of Action**

The Beaver Creek Restoration Project is in Lewis and Clark County, approximately 14 miles northeast of Helena, MT. Beaver Creek is a large watershed originating on National Forest lands flowing 18 miles to the confluence of the Missouri River just below Hauser Dam. The project area lies entirely on US Forest Service (USFS) lands on the Helena Ranger District approximately 1.3 miles upstream from its mouth at the Missouri River. The legal description of the project area is NW1/4 and NE1/4 Section 20, Township 12 North, Range 2 West; SE1/4 Section 17, Township 12 North, Range 2 West.

The USFS Helena Ranger District in partnership with the Lewis and Clark Conservation District, NorthWestern Energy, Pat Barnes Chapter Trout Unlimited, and Montana Fish Wildlife and Parks propose to restore 1.2 miles of lower Beaver Creek. Phase I will restore 0.6 miles, complete in 2020. Requested DNRC RRGL funds would support construction of Phase II (2021).

Beaver Creek is a highly impaired system resulting from past agricultural, grazing practices, and rip-rap stabilization that resulted in stream channelization, removal of riparian vegetation, refer to figure below. These impacts have led to degradation of the channel form, bank stability and eventual channel incision and substantial loss of floodplain connectivity. Due to channel incision and lack of floodplain connectivity, there is a lack of aquatic habitat diversity. Stream reaches in the project area are primarily dominated by long homogenous riffles with highly embedded substrate and infrequent pools with limited depth. Beaver Creek is currently a 303(d) listed stream for sediment impairments and alteration of stream-side vegetative cover; there is not an approved TMDL associated with this waterbody.

Like Phase I, Phase II restoration goals were developed to restore hydrologic processes, reconstruct the stream channel and floodplain to more natural conditions, improve water quality, and increase habitat complexity to provide spawning and rearing habitat for rainbow and brown trout and other native fish. Proposed restoration work will restore riparian and wetland habitat and improve connectivity to the Missouri River and provide for more consistent access for spawning runs that are comprised of a high percentage of trophy size trout. Phase II would complete the restoration work proposed for the lower 1.2 miles of Beaver Creek.

This project directly benefits Montana renewable resources such as water conservation through improving surface and groundwater quality. This project would conserve and improve riparian and stream habitat and promote angler and recreational opportunity on Beaver Creek and the Missouri River, a blue-ribbon trout stream. The proposed channel and floodplain design was developed to provide a landscape capable of sustaining geomorphic processes to support desired aquatic habitat and riparian conditions. The primary limiting factor driving geomorphic, vegetation, and aquatic habitat impairments in the project area is lack of floodplain connection due to channel entrenchment. Increased wild fish recruitment is expected with improved spawning and rearing habitat created by floodplain connectivity, new channel construction and added habitat complexity. Wild fish production would likely provide additional angling opportunity on the Missouri River below Hauser Dam. These restoration efforts align with NorthWestern Energy to support habitat restoration under the Missouri-Madison Project 2188 license.

**Explanation of the decision(s) that must be made regarding the proposed action:**

DNRC approved the grant to provide funding for Beaver Creek Restoration Project.

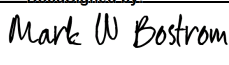
**Criteria for Adopting Existing Environmental Review**

- ✓ The existing environmental review covers an action paralleling or closely related to the proposed action.
- ✓ The information in the existing environmental review is accurate and clearly presented.
- ✓ The information in the existing environmental review is applicable to the action being considered.
- ✓ All appropriate Agencies were consulted during preparation of the existing environmental review.
- ✓ Alternatives to the proposed action evaluated as part of the existing environmental review effort.
- ✓ The impacts of the proposed action have been accurately identified as part of the existing environmental review.
- ✓ The existing environmental review identifies any significant impacts as a result of the proposed action and those identified will they be mitigated below the level of significance.

**Adopt**

The existing environmental review can be considered sufficient to satisfy DNRC's MEPA review responsibilities. No further analysis needed.

<b>Existing Analysis Prepared By:</b>	<b>Name:</b> Lindsay Volpe <b>Date:</b> 8/5/2021 <b>Title:</b> CARD Division RRGL Program Manager <b>Email:</b> lmvolve@mt.gov
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<b>Approved By:</b>	<b>Name:</b> Mark Bostrom <b>Title:</b> CARD Division Administrator
<b>Signature:</b>	 <b>Date:</b> 8/20/2021

DocuSigned by: BF7A1C50B2AF4DE...

**Adopt with expended information to satisfy MEPA review.**

The existing environmental review can be considered sufficient to satisfy DNRC's MEPA responsibilities. Items within the 'Impacts to Human Population' on this adoption form required further information/analysis which is provided herein. Upon review of that analysis, I find that none of the impacts are severe, enduring, geographically widespread, or frequent. Further, I find that the quantity and quality of the natural resources, including any that may be considered unique or fragile, will not be adversely affected to a significant degree. I find no precedent for the future actions that would cause significant impacts, and I find no conflict with local, State, or federal laws, requirements, or formal plans. No Further Analysis needed.

<b>IV. IMPACTS ON THE HUMAN POPULATION</b>
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- |  |
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| <ul style="list-style-type: none"> <li>• <i>RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.</i></li> <li>• <i>Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.</i></li> <li>• <i>Enter "NONE" If no impacts are identified or the resource is not present.</i></li> </ul> |
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**14. HUMAN HEALTH AND SAFETY:**

*Identify any health and safety risks posed by the project.*

The project is on US Forest Service (USFS) lands and would maintain public access.

*Proposed Alternative* – No impact is expected to human health and safety due to the proposed project.

*No Action* – No impact human health and safety.

**15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:**

*Identify how the project would add to or alter these activities.*

Lower Beaver Creek and the Missouri River are a very popular recreational fishery with an estimated 18,000 angler days on the Hauser tailwaters. Holter Lake and the Missouri River combined observe approximately 96,000 angler days annually, and with this fishery ranked 6th in the state for fishing pressure and support many local economies including commercial fishing operations-there are many outfitters permitted to fish this section of the Missouri and upper Holter Reservoir. Approximately \$52 million dollars in revenue is generated considering, Holter, Hauser and Canyon Ferry fisheries.

*Proposed Alternative* - Restoration activities would improve angling opportunities. Potentially benefitting permitted outfitters directly in the Holter Lake and Missouri River systems. Increased natural production of wild trout in addition to FWP stocking efforts would continue to improve the recreational fishery for many years.

*No Action* – No direct impacts to industrial, commercial and agriculture activities and production.

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**14. HUMAN HEALTH AND SAFETY:**

*Identify any health and safety risks posed by the project.*

The project is on USFS lands and would maintain public access.

*Proposed Alternative* – No impact is expected to human health and safety due to the proposed project.

*No Action* – No impact to human health and safety.

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**16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:**

*Estimate the number of jobs the project would create, move or eliminate. Identify direct, indirect, and cumulative effects to the employment market.*

Lower Beaver Creek and the Missouri River are a very popular recreational fishery with an estimated 18,000 angler days on the Hauser tailwaters. Holter Lake and the Missouri River combined observe approximately 96,000 angler days annually, and with this fishery ranked 6th in the state for fishing pressure and support many local economies. Approximately \$52 million dollars in revenue is generated considering, Holter, Hauser and Canyon Ferry fisheries.

*Proposed Alternative* - Restoration activities would increase wild fish recruitment and improve angling opportunities for resident, non-resident anglers as well as outfitters permitted on the Missouri River. Approximately \$7.4 million dollars from anglers on the Hauser tailwaters supports the local economy. It is assumed that habitat improvements with continued stocking efforts on Holter would continue support the economy at this level or even increase local revenue. Restoration work would employ local Montana contractors. Approximately 12-15 individuals could be employed over a six-month timeline including pre-construction/contracting work.

*No Action* – No impact to quantity and distribution of employment.

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**17. LOCAL AND STATE TAX BASE AND TAX REVENUES:**

*Estimate tax revenue the project would create or eliminate. Identify direct, indirect, and cumulative effects to taxes and revenue.*

This fishery is ranked 6th in the state for fishing pressure and support local economies and create a tax base. \$52 million in revenue is generated from these tailwaters.

*Proposed Alternative* - Restoration activities would increase wild fish recruitment and improve angling opportunities for resident, non-resident anglers as well as outfitters permitted on the Missouri River. Approximately \$7.4 million dollars from anglers on the Hauser tailwaters supports the local economy. The Montana Fisheries Improvement Program supported Beaver Creek Phase I through \$75,000 in contributions. The Future Fisheries Program is supported in part, by state sportsman's receipt/revenue. Phase II has also secured Future Fisheries funding (\$50,000) for conservation of the Beaver Creek fishery. Improvements will perpetuate and improve angler opportunity/use in the area and continue to support the local economy and state revenue.

*No Action* – No impacts top tax base and tax revenues.

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**18. DEMAND FOR GOVERNMENT SERVICES:**

*Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify direct, indirect, and cumulative effects of this and other projects on government services*

Lower Beaver Creek is a popular recreation area with trail access to Hauser dam and angler access to the Missouri River. Approximately 18,000 angler days a year are observed on the Missouri River-Hauser tailwaters.

*Proposed Alternative* - Restoration activities propose the improvement of 2 popular campsites. This would improve accessibility while protecting fisheries and water resources. Channel reconstruction would increase wild trout recruitment and improve angling opportunities on the Missouri River, noted as a Montana blue ribbon fishery. Project activities would continue to maintain and improve public access.

*No Action* – No impacts to government services.

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**19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:**

*List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.*

Restoration activities are proposed on National USFS lands. NEPA analysis was complete in accordance with 36 CFR 222.6(e)(18). This project is consistent with Forest Plan management, direction, standards, and guidelines, please refer to the attached Decision Memo (2019).

*Proposed Alternatives* - Restoration activities would improve recreational fishing opportunities and restore water and riparian resources on NFS lands. All applicable permits are in place.

*No Action* – No impacts to plans and goals.

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**20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:**

*Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify direct, indirect, and cumulative effects to recreational and wilderness activities.*

Access to the project area is via FS road # 138; the project is located entirely on USFS lands. There are 2 dispersed campsites that are located within the project area. The project is not within or adjacent to a wilderness area, wilderness study area, or a national recreation area. This project is outside the Devils Tower Inventoried Roadless Area.

*Proposed Alternative* - During construction of the project, NFSR #138 will remain open and passable by motorized vehicles to areas above and below the project. Only short delays are permissible for the public use of NFSR 138 during project implementation i.e., mobilization to/from the site. With the expansion of the floodplain and location of the new stream channel, reconfiguration of the campsites is necessary but access and actual footprint of campable space will remain the same and open to the public. These campsites will be closed during construction for safety of the public thus, there will be short-term displacement during the project ~10 weeks September-November. Design elements within the camping areas will benefit/improve water quality and ensure streambank stability and stabilize the campsite areas in the stream corridor. There will likely be some cumulative effects with this project and accessibility and quality of use to the general public given the parking lot expansion at the fishing access could possibly be implemented during a similar time frame. Many of the folks that enjoy fishing and hunting during the fall utilize both the fishing access area and dispersed campsites within the project area. Both construction projects could affect recreationists during that 10-week period. These effects would be short-term with long-term benefits to both the camping area and fishing access on the Missouri. Construction period would avoid the most popular time that recreationist are fishing on the Missouri, which, is during the spring for rainbow trout.

*No Action* – No impacts to recreational and wilderness activities.

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## **21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:**

*Estimate population changes and additional housing the project would require. Identify direct, indirect, and cumulative effects to population and housing.*

Restoration activities are proposed on National Forest lands, Helena-Lewis and Clark National Forest. Lower Beaver Creek is a popular recreation area with trail access to Hauser dam and angler access to the Missouri River. Restoration activities propose the improvement of two popular campsites. This would improve accessibility while protecting fisheries and water resources. Approximately 18,000 angler days a year are observed on the Missouri River-Hauser tailwaters. Channel reconstruction would increase wild trout recruitment and improve angling opportunities on the Missouri River, noted as a Montana blue ribbon fishery. Improvements may draw additional anglers to the area but would not effectively change the demographics of the York/Nelson community.

*Proposed Alternative* – No impact is expected to the density and distribution of population and housing given the project is located only on USFS lands.

*No Action* – No impact to density and/or distribution of population and housing.

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## **22. SOCIAL STRUCTURES AND MORES:**

*Identify potential disruption of native or traditional lifestyles or communities.*

The project would maintain access for public use.

*Proposed Alternative* – Not applicable to the project.

*No Action* – Not applicable to the project.

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**23. CULTURAL UNIQUENESS AND DIVERSITY:**

*How would the action affect any unique quality of the area?*

There are no known American Indian religious or cultural sites within the project area. If unknown sites were encountered during implementation these sites will be subject to appropriate Tribal Historic Preservation Officer review and comment as per the 36 CFR 800 compliance process.

*Proposed Alternatives* – Not applicable.

*No Action* – No impacts.

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**24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:**

*Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify direct, indirect, and cumulative economic and social effects likely to occur as a result of the proposed action.*

Lower Beaver Creek and the Missouri River are a very popular recreational fishery with an estimated 18,000 angler days on the Hauser tailwaters. Holter Lake and the Missouri River combined observe approximately 96,000 angler days annually, and with this fishery ranked 6th in the state for fishing pressure and support many local economies. Approximately \$52 million dollars in revenue is generated considering, Holter, Hauser and Canyon Ferry fisheries.

*Proposed Alternative* - Restoration activities would increase wild fish recruitment and improve angling opportunities for resident, non-resident anglers as well as outfitters permitted on the Missouri River. Approximately \$7.4 million dollars from anglers on the Hauser tailwaters supports the local economy. It is assumed that habitat improvements with continued stocking efforts on Holter would continue support the economy at this level or even increase local revenue. Restoration work would employ local Montana contractors. Approximately 12-15 individuals could be employed over a six-month timeline including pre-construction/contracting work.

*No Action* – No impacts to social and economic circumstances.



## Figures and Maps

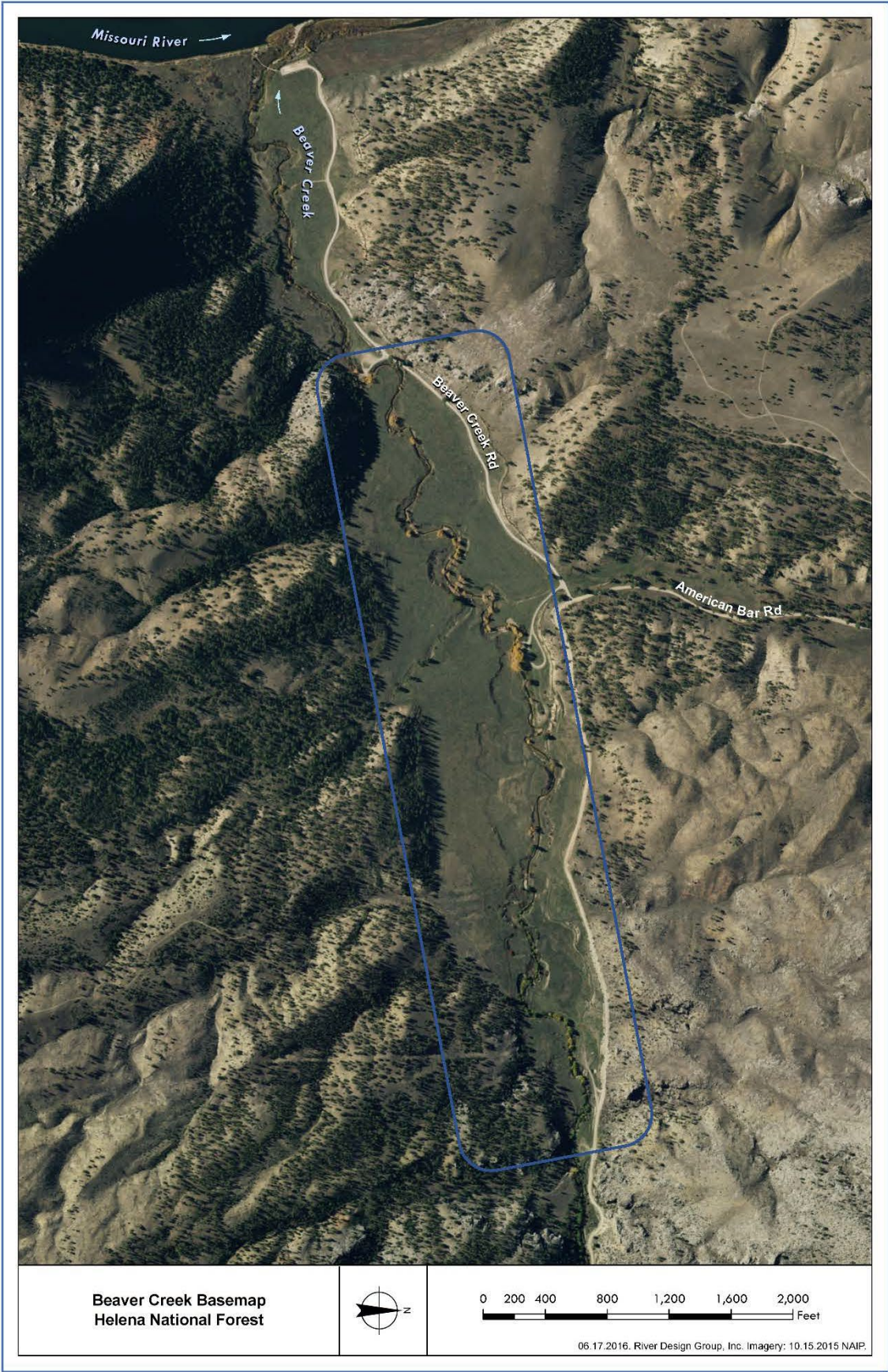
### BEAVER CREEK VICINITY MAP



LEGAL DESCRIPTION: S16, S17, S20, T12N R2W, P.M., M

Lewis and Clark County, MT











Forest Service

Helena - Lewis and Clark  
National ForestHelena Ranger District  
2880 Skyway Drive  
Helena, MT 59602  
406-449-5490  
Fax: 406-449-5740**Date:** June 10, 2019

**Decision Memo for the Beaver Creek Restoration Project**  
**U.S. Forest Service, Helena-Lewis and Clark National Forest**  
**Helena Ranger District**  
**(Lewis and Clark County, Montana)**

**Decision**

I have decided to implement the Beaver Creek Restoration Project in partnership with NorthWest Energy and Montana Fish Wildlife and Parks. This project will restore 1.2 miles of lower Beaver Creek, which lacks floodplain connectivity, habitat complexity, and a functioning riparian area due to decades of historic land use practices. Past grazing and agricultural practices have significantly altered the stream morphology of Beaver Creek and active intervention is needed to restore the natural channel. Stakeholder restoration goals were developed to restore hydrologic processes, reconstruct the stream channel and floodplain to more natural conditions that emulate historic stream sinuosity and morphology, increase channel complexity and restore riparian areas.

Upper Holter Lake and the Missouri River below Hauser Dam supports a large recreational fishery. Beaver Creek, an important tributary to the Missouri River, has historically supported healthy runs of adfluvial rainbow and brown trout, both focal species of the Beaver Creek Restoration project. Ecological benefits of this project extend beyond improving the wild trout fishery, the development of new off-channel and connected wetlands will help grow a mosaic of mesic shrub riparian habitat that will create much needed nesting and forage habitat for migratory birds and a food source for local beaver populations and provide habitat for both amphibians and muskrat.

To minimize downstream turbidity, channel reconstruction will be completed in the dry or during low flow conditions; a diversion will be necessary and located along the north side of the project area. Project implementation will likely be phased over two summers from July 1<sup>st</sup> – October 15<sup>th</sup>. To achieve project objectives, the channel bed will be raised in elevation to reconnect historic floodplain surfaces e.g. filling parts of the old channel and excavating the historic channel, reconnecting abandoned oxbow channels to increase channel length and sinuosity, and converting existing channel to wetland and side channel habitat. Large wood will be incorporated into the channel to increase habitat complexity and restore channel dynamics and streambank treatments will increase bank



resistance to erosion. Floodplain treatments will include swales, off-channel wetlands, placement of course wood, plantings and seeding and treatment of invasive plants. Existing vegetation will be preserved wherever possible. This project will use existing road access for the majority of the project, however, it will temporarily impact three dispersed campsite areas during stream construction. Although there will be short-term impacts to dispersed camping design attributes identified in the final plans were intended to help stabilize camping areas while improving stream and riparian conditions.

The following implementation stipulations are required as part of my decision:

- NFSR 138 will remain open and passable by motor vehicles to areas above and below the project during construction activities; and
- Only short delays are permissible for the public use of NFSR 138 during project implementation.

Additionally, resource protection measures as listed below are incorporated into this decision for implementation.

*Fisheries:*

- All work performed in or immediately adjacent to the channel will require stream diversion before and during the actual work phase of the project.
- The temporary diversion shall be activated or deactivated incrementally in two stages to allow resident aquatic life to exit the dewatered area.
- Prior to construction activities remove fish within the project area by utilizing MT FWP electrofishing protocol. All efforts shall be made to limit and avoid fatalities to aquatic life.

*Heritage:*

- Heritage staff has surveyed the proposed project area and Heritage clearance has been given for project implementation.
- If cultural sites are identified during ground disturbing activities, work must stop pending consultation with Forest Heritage Staff.

*Hydrology:*

- All work will be in compliance with necessary permits (*Stream Protection Act* 124, *US Corps of Engineers* 404 permit and *Montana Department of Environmental Quality* 318 authorization) and will include applicable Best Management Practices as outline in the Forest Service National Core BMP Technical guide-National Best Management Practices for Water Quality Management on National Forest System Lands (USDA Forest Service, FS-990a, 2012).
- New channel construction will be completed in the dry.
- In order to minimize potential for sediment delivery to Beaver Creek placement of weed-free straw bales, wattles or silt fences may be necessary.
- Efforts will be made to limit turbidity during diversion activation and deactivation. Material used to divert flows during staged diversions shall be clean and devoid of fines.

- Equipment will be washed and inspected for weeds prior to mobilization to the project site and free of oil, hydraulic fluid and diesel fuel leaks and contractor shall have an emergency spill kit on site during the project.
- Stream crossings will be minimized to two locations and a hardened ford or temporary bridge will be placed to prevent damage to the streambanks and streambed. These crossing will be rehabilitated and restored to natural condition. Placement of boulders on the north crossing will eliminate unauthorized travel.
- Disturbance to riparian vegetation will be minimized and excavated sod and riparian shrub transplants will be carefully stockpiled and reused for planting floodplains or streambanks.

#### *Fire and Fuels:*

- Equipment will operate in compliance with fire restrictions.

#### *Sensitive plants:*

- If sensitive plant populations are located within the project area appropriate mitigation will be followed (e.g. partial or complete site/population avoidance) upon consultation with a Forest Service botanist. Prior to project implementation boundaries of sensitive plant populations within the project area will be clearly identified.
- The project will use the most genetically appropriate, locally available native species seed mix and revegetation material. This includes preserving vegetation and local native seed sources that are weed free.
- Noxious weed treatment will be consistent with guidance from the Helena National Forest Weed Treatment Project FEIS (HNF 2006).

#### *Soils:*

- Following project completion, disturbed soils will be de-compacted and revegetated to facilitate recovery and protect from erosion. Exact method of rehabilitation will be determined by construction project lead and USFS soil scientist.
- Protecting or stockpiling topsoil; excavated topsoil will be reused to improve soil recovery and revegetation. Specifically, topsoil should be redistributed on the campsite and travel route rehabilitation areas as feasible.
- Disturbed areas will be mulched with native slash (sod or damaged riparian vegetation), duff material or other organic material to inoculate soil microbiota and reestablish soil cover.
- Revegetation of exposed mineral soil arising from overland haul as soon as possible after disturbance has ceased.
- Equipment will be staged on existing roads or turnouts or designated dispersed campsites.
- Fuel or oil spills will be cleaned immediately and contaminated soils will be disposed in accordance with state and federal regulations. All waste generated on site will be disposed of in accordance with state and federal regulations.
- Limit equipment operations to areas within the planned disturbance footprint and/or designated routes to minimize soil disturbance.

- Proposed activities should occur only when soils are dry to limit compaction and rutting.

*Weeds:*

- The project area will be monitored and treated for invasive species both pre and post-project implementation.
- In areas of invasive species infestation, weed control will occur before and after reclamation to prevent the spread and return of invasive species (HNF Noxious Weed Treatment ROD, 2006).
- Straw used for erosion control will be certified weed-free or weed-seed-free.

*Wildlife:*

- If goshawks are detected during implementation, a wildlife biologist will be consulted.
- If a bald eagle's nest is located within the project area, effects of management actions will be mitigated through application of limited operating periods as prescribed by the wildlife biologist.
- Boreal toads or other amphibians will be relocated to safe locations while the stream is temporarily diverted.
- Adhere to grizzly bear food storage orders for all personnel on site.
- Seeding and planting will not include palatable forage species for grizzly bears (e.g. clover, huckleberries, etc.)
- Project activities will occur outside of the spring period for grizzly bears, approximately April 1<sup>st</sup> to June 30<sup>th</sup>.

### **Reasons for Categorically Excluding the Action**

It is my determination that this action may be categorically excluded from documentation in an environmental impact statement or environmental assessment because it fits within a category listed in 36 CFR 220.6(e)(18). This category of action(s) is applicable because the proposed action involves the *"Restoring wetlands, streams, riparian areas or other waterbodies by removing, replacing, or modifying water control structures such as, but not limited to, dams, levees, dikes, ditches, culverts, pipes, drainage tiles, valves, gates and fencing, to allow waters to flow into natural channels and floodplains and restore natural flow regimes to the extent practicable where valid existing rights or special use authorizations are not unilaterally altered or canceled."*

The following resource conditions were evaluated as part of our analysis with reports available in the project record.

- Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.
  - Plants – There are no threatened and endangered plants listed for the Helena-Lewis and Clark National Forest. Surveys of the proposed project area did not

locate sensitive plants. A determination of No Effect/Impact to sensitive plants has been made, therefore no extraordinary circumstances.

- Wildlife - A No Effect determination has been made pertaining to federally listed threatened and endangered species, designated critical habitat, or species proposed for listing or proposed critical habitat. A determination of No Impact has been made pertaining to sensitive species of the Helena-Lewis and Clark National Forest with the exception of the boreal toad, Plains spadefoot toad and the Northern leopard frog for which, the proposed action may impact individuals or habitat but will not likely contribute to a trend towards federal listing or viability to the population or species. Regarding wildlife, no extraordinary circumstances exist.
- Fisheries - A determination of No Effect has been made pertaining to federally listed threatened and endangered species, designated critical habitat or species proposed for listing or proposed critical habitat. A determination of No Impact has been made pertaining to sensitive species of the Helena-Lewis and Clark National Forest, therefore, there are no extraordinary circumstances.
- Flood plains, wetlands, or municipal watersheds – The proposed action is within a floodplain and wetland, but not within a municipal watershed. There are no municipal watersheds within the proposed action area. Proposed stream restoration activities will disturb floodplain areas and wetlands, however, resource protection measures will eliminate detrimental effects to these areas and project work will have long-term improvements and beneficial effects to the Beaver Creek and surrounding riparian areas.
- Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas – The project area is not within or adjacent to a wilderness area, wilderness study area, or a national recreation area, and therefore no extraordinary circumstances exist.
- Inventoried Roadless areas or potential wilderness areas – This proposed project is near the Devils Tower Inventoried Roadless Area. However, no proposed activities will occur in the Inventoried Roadless Areas or recommend wilderness areas, and therefore no extraordinary circumstances exist.
- Research natural areas – There are no research natural areas in or near the project area, and therefore no extraordinary circumstances exist.
- American Indians and Alaska Native religious or cultural sites - There are no known sites in the proposed area. If unknown sites were encountered during implementation, these sites will be subject to appropriate Tribal Historic Preservation Officer review and comment, as per the 36 CFR 800 compliance process.
- Archeological sites, or historic properties or areas – Portions of the project area have been previously surveyed for archeological resources. One historic ranch is located within the project area, but this historic property will not be adversely affected. Any undocumented archeological resources found during project implementation will be reported to a Forest Service archaeologist and, if necessary, project design will be modified to avoid any impacts to those resources.



## Findings and Consistency with Laws, Regulation, and FS Policies

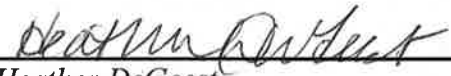
This project is consistent with Forest Plan management direction, standards, and guidelines. No effects to Helena-Lewis and Clark National Forest Management Indicator Species (MIS) were identified in our analysis. This project meets requirements found in but not limited to the National Forest Management Act, the Endangered Species Act, the Clean Water Act, and the National Environmental Policy Act.

## Public Involvement

This project was originally listed as a proposal on the Helena-Lewis and Clark National Forest Schedule of Proposed Actions (SOPA) webpage. Input has been considered from an interdisciplinary team and through project analysis. No comments were received during the public scoping period.

## Implementation

This project is not subject to appeal. Implementation is anticipated to begin in July, 2020. For specific project information, please contact Heather DeGeest, Helena District Ranger, 2880 Skyway Drive, Helena, MT 59602, (406) 495-3924; Office hours are 8:00AM to 4:30PM, Monday through Friday, excluding federal holidays.

  
\_\_\_\_\_  
Heather DeGeest,  
Helena District Ranger

6/10/19  
\_\_\_\_\_  
Date

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
CORPS OF ENGINEERS, OMAHA DISTRICT  
HELENA REGULATORY OFFICE  
10 WEST 15<sup>TH</sup> STREET, SUITE 2200  
HELENA, MONTANA 59626

May 20, 2020

Regulatory Branch  
Montana State Program  
Corps No. **NWO-2020-00149-MTH**

Subject: Helena Ranger District - Beaver Creek Restoration

Allison Russell  
Helena Ranger District  
2880 Skyway Dr.  
Helena, Montana 59602

Dear Ms. Russell:

We are responding to your request for Nationwide Permit (NWP) verification for the above-mentioned project. The project is located at Latitude 46.79052°, Longitude -111.88601°, on Beaver Creek, within Section 20, Township 12 N, Range 2 W, Lewis and Clark County, Montana. The project proposes to restore floodplain connectivity, habitat complexity, and riparian function to a section of lower Beaver Creek.

Specifically, you requested authorization for the following work in waters of the U.S.:

Work Item	Description
a.	Reconstruction of approximately 6,263 linear feet of stream channel and creation of 1.5 acres of emergent and scrub shrub wetland. Reconstruction will include reconnection of abandoned oxbows into the active channels to increase stream length and reduce channel slopes and creation of a new C4 channel with installation of 73 large wood structures.
b.	Yearly monitoring reports will be submitted to the Corps in accordance with the plan submitted by the applicant. The reports are due no later than November 30th after the first growing season following completion of the restoration work. These reports shall be submitted on or before November 30th for at least a period of three years, unless a Corps project manager has determined the project successful sooner as defined in the proposed monitoring report. If the success criteria are not achieved within the 3 year monitoring period then the Corps may require remedial action until the project meets the stated success criteria.



Under the authority of Section 404 of the Clean Water Act (CWA), DA permits are required for the discharge of fill material into waters of the U.S. Waters of the U.S. include the area below the ordinary high water mark of stream channels and lakes or ponds connected to the tributary system, and wetlands adjacent to these waters. Isolated waters and wetlands, as well as man-made channels, may be waters of the U.S. in certain circumstances, which must be determined on a case-by-case basis.

Based on the information you provided, the proposed activity, permanently affecting approximately 6,263 linear feet of a perennial stream, is authorized by NWP 27 Aquatic Habitat Restoration, Establishment, and Enhancement Activities, found in the January 6, 2017, Federal Register (82 FR 1860), Reissuance of Nationwide Permits. Enclosed is a fact sheet that fully describes this NWP and lists the General and Regional Conditions that must be adhered to for this authorization to remain valid. Please note that deviations from the original plans and specifications of your project could require additional authorization from this office.

You are responsible for ensuring that all work is performed in accordance with the terms and conditions of the NWP. If a contractor or other authorized representative will be conducting work on your behalf it is strongly recommended that they be provided a copy of this letter and the enclosed conditions. Failure to comply with the General and Regional Conditions of this NWP, may result in the suspension or revocation of your authorization and may be subject to appropriate enforcement action.

The Montana Department of Environmental Quality has provided the enclosed CWA Section 401 water quality certification for this NWP which includes General Conditions, all of which must be complied with for that certification to remain valid. This does not eliminate the need to obtain other permits that may be required by that agency.

This verification is valid until **March 18, 2022**, when the existing NWPs are scheduled to be modified, reissued, or revoked. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified, reissued or revoked, you will have twelve (12) months from the date of the modification, reissuance or revocation of the NWP to complete the activity under the present terms and conditions unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4(e) and 33 CFR 330.5 (c) or (d). Activities completed under the authorization of an NWP which was in effect at the time the activity was completed continue to be authorized by that NWP.

In compliance with General Condition 30, we have enclosed a "compliance certification" form, which must be signed and returned within 30 days of completion of

the project, including any required mitigation. Your signature on this form certifies that you have completed the work in accordance with the terms and conditions of the NWP.

The Omaha District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at: [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=136:4:0](http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0). If you do not have Internet access, you may call and request a paper copy of the survey that you can complete and return to us by mail or fax.

Please refer to identification number **NWO-2020-00149-MTH** in any correspondence concerning this project. If you have any questions, please contact Jade Metzler at 10 W 15th Street, Suite 2200, Helena, MT, 59626, by email at [jade.m.metzler@usace.army.mil](mailto:jade.m.metzler@usace.army.mil), or telephone at (406) 441-1365.

Sincerely,

Jade Metzler  
Regulatory Project Manager

Enclosures:

Compliance Certification

NWP 27 Aquatic Habitat Restoration, Establishment, and Enhancement Activities Fact Sheet with Regional Conditions

Montana DEQ CWA Section 401 Water Quality Certification

### COMPLIANCE CERTIFICATION

**Corps File Number:** NWO-2020-00149-MTH

**Permit Type:** NWP 27 Aquatic Habitat Restoration, Establishment, and Enhancement Activities

**Name of Permittee:** USFS – Helena Ranger District / Allison Russell

**County:** Lewis and Clark County, Montana

**Date of Issuance:** May 20, 2020

**Corps Project Manager:** Jade Metzler

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

US Army Corps of Engineers  
Omaha District  
Helena Regulatory Office  
10 W 15th Street, Suite 2200  
Helena, Montana 59626

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the conditions of this permit, you are subject to permit suspension, modification, or revocation.

-----

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date





March 6, 2017

Robert Cole  
Corps of Engineers, Helena Regulatory Office  
10 West 15<sup>th</sup> Street, Suite 2200  
Helena, Montana 59626

Re: Montana Department of Environmental Quality 401 Water Quality Certification (COE-2015-0017 RIN 0710-AA73-2017 Nationwide Permit Reissuance-Federal Register Vol. 82 No. 4)

Dear Mr. Cole:

The attachment to this letter (Parts A-E) constitutes the Montana Department of Environmental Quality's position on the subject Nationwide Permits. It should not result in an undue burden to either of our agencies, while still providing adequate water quality protection. Also, please find enclosed the Montana Department of Environmental Quality's December 5, 2000, guidelines for materials for stream bank stabilization as referenced in the attached certification.

We look forward to continuing the close cooperation and coordination between our two agencies. Please do not hesitate to contact myself (444-0240 JKenning@mt.gov) or Jason Garber (444-2734 JGarber2@mt.gov) if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Kenning", is written over a horizontal line.

Jon Kenning-Chief  
Water Protection Bureau

Cc: Tony Ott-EPA w/ Attachments



## **Water Quality Certification in Accordance With Section 401 of the Clean Water Act for the 2017 Nationwide Permits in Montana**

### **A. Certification**

DEQ is granting Section 401 Water Quality Certification (certification) for Nationwide Permits 1, 2, 4-11, 15-22, 24-27, 28-36, 38-44 and 46-50.

### **B. Special Conditions for Specific Nationwide Permits**

1) DEQ is granting certification for Nationwide Permits #3, #14, and #23 with the following additional condition: DEQ Water Protection Bureau – Discharge Permitting Program must be notified by the permittee within 48 hours of commencement of the regulated activity. Notification must be sent to [DEQWPBPublicComments@mt.gov](mailto:DEQWPBPublicComments@mt.gov). Notification shall include at minimum (a) the permittee name, (b) the project name, (c) the Nationwide Permit used for the project, (d) the Township, Range and Section, and (e) the project or regulated activity location in decimal latitude and longitude to the millionth degree (six significant figures to the right of the decimal point).

2) DEQ is granting certification of Nationwide Permit #12 (utility line activities) for projects where a static or vibratory plow is used and for projects where Horizontal Directional Drilling technology is implemented and no permanent impacts to State waters will occur. For all other projects that qualify under this Nationwide Permit, DEQ denies certification.

3) DEQ is granting certification of Nationwide Permit #13 (bank stabilization), Nationwide Permit #37 (emergency watershed protection and rehabilitation), and Nationwide Permit #45 (repair of uplands damaged by discrete events) for all projects equal to or less than 300 linear feet.

### **C. Waiver**

Nationwide Permit 54 (living shorelines) is waived as this Nationwide Permit only applies to coastal shorelines and the Great Lakes.

### **D. Denial**

Nationwide Permit #51 (land based renewable energy generation facilities), and Nationwide Permit #52 (water based energy renewable energy generation facilities). Nationwide #53 (removal of low head dams) is denied for the five year cycle so that DEQ can determine if the application of this new Nationwide Permit has detrimental effects on water quality.

#### **E. General Conditions for Nationwide Permits**

The following general conditions apply to all certified Nationwide Permits as provided in A and B above.

- 1) This certification does not authorize the placement or construction of septic/leach systems or other sewage treatment facilities in wetlands.
- 2) This certification does not authorize construction of dams, except for aquatic restoration projects and temporary dams associated with construction activity.
- 3) This certification requires that materials used in stream bank or shore stabilization projects adhere to the Montana Department of Environmental Quality's December 5, 2000 guidelines for materials for stream bank stabilization. Tires may not be used to stabilize any banks in state waters.
- 4) This certification requires that all equipment be inspected for oil, gas, diesel, anti-freeze, hydraulic fluid and other petroleum leaks. Equipment cannot continue operating in or near the water if a leak is discovered. All such leaks will be properly repaired prior to equipment being allowed on the project site. Leaks that occur after the equipment is moved to the project site will be fixed that same day or the next day or be removed from the project area. If equipment is to be operated in or near water, a spill containment kit shall be available at the project site and DEQ shall be notified of spills.
- 5) This certification requires that all permittees shall, to the maximum extent practicable, incorporate and construct design features that eliminate bridge deck run-off containing sediment, salt, or other pollutants from discharging directly into state water. To the extent practicable, bridge deck run-off, should be directed to a detention basin of unspecified size prior to continuing into state waters.
- 6) This certification requires that riprap projects, to the extent practicable, avoid the use of geotextile fabric as riprap bedding material. To the extent practicable, riprap voids shall incorporate approximately 30-50% fines/soil and dormant plant material and/or root-stock.

#### **F. Reopener Clause**

DEQ reserves the right to add or alter terms and conditions as appropriate to carry out its responsibilities with respect to water quality throughout the five year Nationwide Permit Cycle.



## **Policy on Streambank Stabilization**

This policy outlines the guidelines for approved materials to be used for streambank stabilization in Montana. This policy and a draft Environment Assessment were provided to the public for comment via public notice MT-00-10 issued September 18, 2000. Comments were accepted until October 17, 2000. The draft Environmental Assessment is adopted as the final Environmental Assessment with the Responses to Comments incorporated.

Signed into policy 12/05/00 by Bonnie Lovelace, Chief, Water Protection Bureau and 12/06/00 by Jan Sensibaugh, Administrator, Permitting & Compliance Division.

### **GUIDELINES FOR MATERIALS FOR STREAMBANK STABILIZATION**

The following guidelines represent the efforts of a work group composed of Conservation District representatives, natural resource consultants, environmental interests, and state and federal regulatory agencies. They are suggested by the Montana Department of Environmental Quality and not necessarily endorsed by all the work group members. These guidelines are only for use in areas where the use of high-density, angular rock is not practicable. (The term "practicable" means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes [40 CFR 230.3(q)]). Sandstone or broken concrete may be acceptable alternatives to high-density, angular rock in certain situations, although local regulation may prohibit their use. The use of any river training device/structure may directly or cumulatively alter the ecology of Montana rivers and streams. Cumulative impact considerations may preclude the use of any river training device.

Bank stabilization projects are sometimes authorized under the following jurisdictions: Local Conservation District - Natural Streambed & Land Conservation Act (31 O); Montana Department of Fish Wildlife and Parks - Stream Protection Act (SPA 124); County Floodplain Administrator - Floodplain Permit; U.S. Army Corps of Engineers - Section 404/10 Permit; Montana Department of Environmental Quality - 75-5-318, MCA Authorization; Montana Department of Natural Resources and Conservation - Navigable Rivers Land Use License/Easement.

The following optional design concepts should be considered in conjunction with the guidelines to minimize environmental/aesthetic concerns:

- Utilize rock only in the lower\* portion or toe of the riprap with woody structures/features, biodegradable fabric, etc. in the upper\* portions.  
\* The elevation at which the mean annual flow occurs is the division between "upper" and "lower."
- Incorporate soil in the upper portions of the project with appropriate woody (usually willow) plantings as near average water elevations as possible and herbaceous plantings elsewhere.
- Provide a temporary or permanent buffer strip (streamside area where protection promotes growth and sustenance of woody vegetation) along the project length to provide for vegetation stability where grazing or recreational use may impact plant growth.
- Preferably, plantings should be on slopes of 3:1 or flatter and irrigated, if possible.

(Note: Numerous documents with more detailed information are available. Contact the Natural Resource Conservation Service or the Department of Natural Resources and Conservation for their "Stream Project Manual.")

## COMPLIANCE CERTIFICATION

Project: (Please attach copy of the completed "Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains, and Other Water Bodies.")

Upon completion of project activity, sign this certificate and return it to the following address:

Montana Department of Environmental Quality  
Permitting & Compliance Division/Water Protection Bureau  
Box 200901  
Helena, MT 59620-0901

Please answer the following questions:

1. What is the source of the concrete rubble?
2. What is the type of concrete rubble (curb/gutter, foundation, etc.)?
3. What was the cost of the rubble?  
(The recipient of the rubble cannot be compensated for accepting the rubble without a landfill license.)

I hereby certify that the project work performed is in compliance with all applicable permits and in compliance with the "Guidelines for Materials for Streambank Stabilization."

---

Signature of Project Owner

Date

I hereby certify that I provided the concrete rubble used in the project and that I did not compensate the owner for accepting the rubble.

---

Signature of Concrete Rubble Provider

Date





April 10, 2020

Allison Russell  
Helena-Lewis and Clark National Forest  
2880 Skyway Drive  
Helena, MT 59602

RE: Authorization No. **MTB008820** Short Term Water Quality Standard for Turbidity Related to Construction Activity Pursuant to 75-5-318, MCA  
VALID April 10, 2020 through April 10, 2021

Dear Ms. Russell:

The Montana Department of Environmental Quality Water Protection Bureau has completed our review of your application to reclaim 1.2 miles of Beaver Creek located in Sections 16, 17, 20, Township 12 North, Range 2 West, Lewis and Clark County, Montana. This activity herewith is qualified for a temporary surface water quality turbidity standard if it is carried out in accordance with the following conditions:

- (1) Construction activities in or near the watercourse are to be limited to the minimum area necessary, and conducted so as to minimize increases in suspended solids and turbidity which may degrade water quality and damage aquatic life outside the immediate area of operation,
- (2) The use of machinery in the watercourse shall be avoided unless absolutely necessary. To prevent leaks of petroleum products into waterways, no defective equipment shall be operated in the watercourse or adjacent areas capable of contributing surface flow to the watercourse,
- (3) Precautions shall be taken to prevent spillage of any petroleum products, chemicals or other deleterious material in or near the watercourse, and no equipment shall be fueled or serviced in adjacent areas capable of contributing surface flow to the watercourse,
- (4) All disturbed areas on the streambank and adjacent areas created by the construction activity shall be protected with temporary erosion control during construction activities. These areas shall be reclaimed with appropriate erosion control measures and revegetated to provide long-term erosion control,
- (5) Any excess material generated from this project must be disposed of above the ordinary high-water mark, not classified as a wetland, and in a position not to cause pollution to State waters,
- (6) Clearing of vegetation will be limited to that which is absolutely necessary for construction of the project,

(7) The use of asphalt or petroleum-based products as riprap is strictly prohibited. Its use as fill material is also prohibited if it is placed in a location where it is likely to cause pollution of State waters,

(8) This authorization does not authorize a point source surface water discharge. A MPDES permit is required for said discharge, and


(9) The applicant must conduct all activities in full and complete compliance with all terms and conditions of any permit for this activity issued pursuant to the Montana Natural Streambed and Land Preservation Act (310 permit) or the Montana Stream Protection Act (124 permit), and any valid Memorandum of Agreement and Authorization (MAA) negotiated for this activity.

This authorization is valid for the period noted. No authorization is valid for more than a one-year period of time.

Any violations of the conditions of this authorization may be subject to an enforcement action pursuant to the applicable provisions of the Montana Water Quality Act.

This authorization is granted pursuant to 75-5-318, MCA, and only applies to the activity described by your application. Any modification of the activity described in your application which may result in additional turbidity in the stream must receive prior approval from the Department. You may contact me at (406) 444-5546.

Sincerely,



Jon Kenning, Chief  
Water Protection Bureau  
Water Quality Division

cc: Lewis and Clark Conservation District  
DEQ File



2019091651



United States  
Department of  
Agriculture

Forest  
Service

Helena - Lewis and Clark National  
Forest

2880 Skyway Drive  
Helena, MT 59602  
406-449-5201  
1220 38th Street North  
Great Falls, MT 59405  
406-791-7700

File Code: 2360  
Date: September 10, 2019

• Stan

Pete Brown  
Acting Montana SHPO  
State Historic Preservation Office  
1301 E. Lockey Ave  
PO Box 201201  
Helena, MT 59620-1201

**RECEIVED**

SEP 13 2019

BY: SHPO

Re: Properties Effected – SHPO Comment Requested

Dear Mr. Brown:

Enclosed for your review is one properties effect inventory report on the Helena-Lewis and Clark National Forest, Helena Ranger District. A CRABS form is attached for this project:

1. R2018011500047-Beaver Creek Stream Restoration

As part of this project we are requesting your concurrence on our No Adverse Effect finding for this stream restoration project. Digital files have been uploaded to the State File Transfer service. If you have further questions or concerns regarding this project, please contact Deputy Forest Archaeologist, Arian Randall at 406-495-3752 or [arian.randall@usda.gov](mailto:arian.randall@usda.gov).

Sincerely,

WILLIAM AVEY  
Forest Supervisor

**CONCUR**  
NO PROPERTIES ON OR ELIGIBLE  
FOR NRHP APPEAR LIKELY TO  
EXIST WITHIN PROJECT IMPACT AREA

**MONTANA SHPO**

DATE 9/17/19 SIGNED

Enclosure: Section 106 Report and 24LC0091 Site Form

you can not have an Adverse  
effect on an unresolved  
property





# **Montana Fish, Wildlife & Parks**

Helena Area Resource Office  
PO Box 200701, Helena, MT 59620

## **Stream Protection Act (SPA 124) Permit**

Date: February 4, 2020

Applicant Name: USFS, Helena RD - Kathy Bushnell

Address: 2880 Skyway Drive  
Helena, MT 59601

Permit #: 124\_2020\_1\_AS

Waterbody: Beaver Creek (Missouri River tributary downstream of Hauser Dam)

Project Name: Beaver Creek Restoration (Phase I & II)

### **Project Description:**

Restore 1.2 miles of a lower section of Beaver Creek (Missouri River tributary downstream of Hauser Dam) to improve floodplain connectivity, habitat complexity, and riparian area and wetland functionality due to decades of historic land use practices. Restoration will improve connectivity to the Missouri River and provide for more consistent access for spawning runs of adfluvial rainbow and brown trout.

**Montana Fish, Wildlife & Parks has reviewed the proposed project. The project is approved provided it is carried out in accordance with the information supplied in the application, all general conditions listed on page 3 of this permit, and any special conditions listed below.**

**Expiration:** This permit is valid for 2 year(s) from the date of issuance.

**Timing Restrictions:** No ☒ Yes ☐ if yes see below.

No in-stream work between \_\_\_\_\_ and \_\_\_\_\_ .



**Special Conditions:**

1. Maintain maximum allowable turbidity reduction measures each year from October 15 to November 30 during stream construction, crossing, and dewatering to protect spawning brown trout.
2. Contact the FWP Helena Area Fisheries Biologist ((406) 495-3263) prior to construction each year to establish a plan for salvaging fish from deactivated stream or bypass channel reaches during construction. FWP personnel will be available annually to assist with fish salvage efforts.

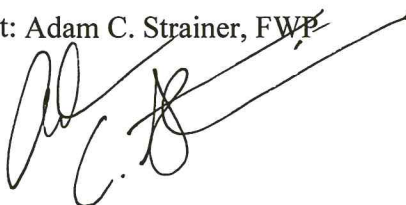
**318 Authorization Review**

**I have reviewed the above project on behalf of the Montana Department of Environmental Quality (DEQ) pursuant to the Montana Water Quality Act Short-term Water Quality Standards for Turbidity 75-5-318 MCA:**

- ☐ This project **will not** increase turbidity if completed according to the conditions listed in the 310 or 124 permit. Therefore, application to DEQ for a 318 authorization **is not** required.
- ☒ Impacts to the physical and biological environment from turbidity generated as a result of this project are uncertain. Therefore, the applicant must contact the Montana Department of Environmental Quality, 1520 East Sixth Avenue, Box 200901, Helena, MT 59620-0901, (406 444-3080) to determine project specific narrative conditions required to meet short-term water quality standards and protect aquatic biota.
- ☐ Turbidity generated from this project is expected to be short-term and have only temporary and minor impacts on the physical and biological environment. Therefore, compliance with the conditions stated in the attached letter outlining ***DEQ's Short Term Water Quality Standard for Turbidity Related to Construction Activity***, as well as other conditions listed in the 310 or 124 permit, are appropriate for this project.

Issuing Biologist: Adam C. Strainer, FWP

Signature:





### **Stream Protection Act 124 Permit General Conditions**

1. Complete work affecting a streambed or stream bank in an expeditious manner to avoid unnecessary impacts to the stream.
2. Limit the clearing of vegetation to that which is absolutely necessary for construction of the project. Take precautions to preserve existing riparian vegetation. Salvage and reuse native vegetation where possible.
3. Install and maintain erosion control measures where appropriate to protect aquatic resources. Do not clear and grub land adjacent to streams prior to installing proper erosion and sedimentation controls. Conduct all work in a manner that minimizes turbidity and other disturbances to aquatic resources.
4. Plan temporary construction facilities to:
  - a. Minimize disturbance to stream banks, stream bank vegetation, and the streambed by locating staging or storage facilities at least 50' horizontally from the highest anticipated water level during construction;
  - b. not restrict or impede fish passage in streams; and
  - c. not restrict any flow anticipated during use.
5. Provide sediment controls for drainage from topsoil stockpiles, staging areas, access roads, channel changes, and instream excavations.
6. Isolate work zones from flowing and standing waters to prevent turbid water and sediments from being discharged into streams or other drainages that flow directly into the stream. Divert flowing waters around the work zone.
7. Do not spill or dump material into streams. Store and handle petroleum products, chemicals, cement and other deleterious materials in a manner that will prevent their entering streams.
8. Do not permit wash water from cleaning concrete-related equipment or wet concrete to enter streams.
9. Do not operate mechanized equipment in any stream or flowing water unless special authorization is obtained. If special authorization is granted, the following conditions apply:
  - a. Powerwash all equipment allowed in a stream prior to entering the stream channel.
  - b. Clean and maintain all equipment so that petroleum-based products and hydraulic fluids do not leak or spill into the waterway.
10. Reclaim streambeds and stream banks as closely as possible to their pre-disturbed condition.
11. Restore disturbed stream banks to their natural or pre-disturbed configuration to match adjacent ground contours or as specified in the project plans. Stabilize, reseed, and re-vegetate disturbed areas. Install and maintain long-term biodegradable erosion-control measures to protect these areas until adequate vegetation has been established.
12. Restore temporary access routes and any temporarily disturbed areas to original conditions, including original contours and vegetation.
13. Dispose of any excess material generated from the project above the ordinary high water mark and in an area not classified as a wetland.